

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

In re:)	
)	
JUDIA FAY HERRINGTON)	Case No. 12-21985
)	(Chapter 13)
)	
Debtor)	
)	
)	
WELLS FARGO BANK, N.A.)	
Movant)	
)	
v.)	
)	
JUDIA FAY HERRINGTON)	
Respondent)	

**MOTION TO EXTEND ANSWER DATE BY THREE WEEKS AND TO MOVE
HEARING DATE TO NOVEMBER 30, 2017**

JUDIA FAY HERRINGTON (the “Debtor”), by undersigned counsel, John D. Burns, Esquire, and The Burns Law Firm, LLC, files this Motion to Extend Answer Date by Three Weeks and to Move Hearing Date to November 30, 2017 (the “Motion”), and states as follows:

1. This Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §§ 1334(b) and 157(b). This is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Debtor filed an Amended Chapter 13 Plan [Dkt 59] which was confirmed on or about Mary 19, 2013 [Dkt. 60].
3. Debtor has apparently performed under the Plan but the Trustee has advised Debtor's counsel that the Debtor obtained additional financing without Court approval and is trying to close out her case in a manner not allowed by the Bankruptcy Code.
4. Debtor is not cooperating with counsel in respect of obtaining approvals

retroactively for financing from an insider that never should have been obtained and on terms and conditions that counsel believes the Court likely would not approve.

5. Debtor has advised counsel that she does not want counsel to further represent her in this matter. and Debtor has been taking actions of which she has not advised counsel and which impact the estate. As a result, counsel cannot represent the Debtor any further and has sent Debtor a seven day notice letter per Local Rule 9010-4 advising the Debtor that counsel will be withdrawing from representation.

6. Counsel requests a three week extension for Debtor to respond to the Motion for Relief from Stay [Dkt. 78] filed by Wells Fargo Bank, NA on or about September 28, 2017, and that the Court move the hearing to November 30, 2017 so that Debtor has ample time to obtain new counsel or reach a resolution with Wells Fargo Bank, N.A.

7. Counsel has called Mark Devan, counsel for Wells Fargo Bank, NA, but has received no return call.

8. No memorandum accompanies this Motion pursuant to Local Rule 9013-2.

WHEREFORE, the Debtor respectfully requests the Court enter an Order:

- (i) Granting the Motion;
- (ii) Extending the time three weeks for filing an answer to the Motion for Relief from Stay [Dkt. 78] filed by Wells Fargo Bank, NA;
- (iii) Continuing the hearing on the to the Motion for Relief from Stay [Dkt. 78] filed by Wells Fargo Bank, NA to November 30, 2017; and

- (iv) Granting such other and further relief as equity and justice may require.

Respectfully Submitted,

/s/ John D. Burns, Esquire

John D. Burns, Esquire (#22777)

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Counsel for the Debtor

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2017, a copy of the foregoing Debtor's Motion and proposed Order was served upon:

VIA ECF:

Timothy P. Branigan, Chapter 13 Trustee

14502 Greenview Dr., Suite 506

Laurel, MD 20708

Mark S. Devan, Esq.

Alba Law group, P.A.

11350 McCormick Rd.

Executive Plaza III, Suite 200

Hunt Valley, MD 21031

VIA FIRST CLASS MAIL, POSTAGE PRE-PAID:

Judith Fay Herrington

4721 Quadrant Street

Capitol Heights, MD 20743

-----/s/ John D. Burns-----

John D. Burns